

92. Can doctors notify the partners of a patient with HIV without the patient's permission?

Yes. If a doctor knows the name of a patient's partner, the doctor can notify the partner without the patient's consent. However, the doctor must tell the patient that he or she intends to do this.

93. What happens if a person who tests HIV positive thinks that a partner will react violently if notified?

If a person who tests HIV positive is concerned that notifying a partner may seriously affect their health or safety, or the health and safety of someone close to them, such as a child, the person is referred for domestic violence services. Partner notification is delayed until it is safe to proceed. For information about programs providing domestic violence services, call the New York State Domestic Violence Hotline at 1-800-621-HOPE.

Human Rights

94. Are there laws in New York State that protect the confidentiality of people with HIV and AIDS?

Yes. The HIV Confidentiality Law (Public Health Law, Article 27-F) was enacted in 1988 in New York State. Agencies and individuals who provide health or social services as defined by the law, or who receive HIV-related information through a signed release, must protect the confidentiality of that information. This law does allow for disclosure of HIV-related information between members of a health care team, to emergency workers, or to social service agencies for the care of the patient. The law also allows for the release of HIV information by special court order to public health officials and to insurers who pay for care and treatment.

People who feel that HIV-related information has been released without their consent can contact the New York State Department of Health Confidentiality Hotline at 1-800-962-5065 to request a "breach of confidentiality" form. Penalties for unauthorized disclosure of confidential HIV-related information by health care workers or social service workers include fines and/or time in jail.

95. Will testing positive for HIV affect an immigrant's ability to stay in the United States?

Not necessarily. Although HIV testing is not required for entry into the United States, having HIV/AIDS is a reason for being denied entry into the U.S. Individuals who are excluded on that basis may seek a waiver. To get a waiver, they must:

- prove that they will not become dependent on government-funded health care (this can usually be proven if they have their own health insurance policy or have insurance through their employer);
- show that they are aware of the nature and severity of their condition;
- show a willingness to attend educational and counseling sessions; and
- show that they know how to avoid passing HIV to other people and make a commitment to avoid spreading the virus to others.

96. Can an employer require that a job applicant be tested for HIV?

No. Under the federal nondiscrimination laws, an employer cannot require a job applicant to tell his or her HIV status or to have an HIV test to get or keep a job.

97. Can job activities be limited or changed, or can a person be fired, because he or she has HIV or AIDS?

No. It is a violation of the New York State Human Rights Law to restrict employees' duties or fire them solely because of HIV infection or AIDS. In addition, the federal Americans with Disabilities Act (ADA) requires employers to provide *reasonable accommodation* to the known physical or mental limitations of employees with disabilities, including HIV infection or illness.

98. Can hospital employees or emergency medical workers refuse to care for a person with HIV infection or AIDS?

No. Hospitals and emergency medical services workers have a legal responsibility to care for the sick and to employ staff capable of carrying out that mission. Health care workers who refuse to care for a person with HIV infection or AIDS may be fired or disciplined. Ongoing education is required for all health care workers to ensure that they understand the ways in which HIV is spread and follow recommended safety precautions.

99. Can people with HIV infection or AIDS be denied health, disability, or life insurance?

No. In New York State, health insurance – including hospital, medical, and surgical coverage – cannot be denied and a higher premium cannot be charged simply because the applicant has HIV. However, disability insurance and life insurance companies are allowed to ask applicants if they have been diagnosed or treated for AIDS or HIV-related illnesses; they can deny coverage or charge higher premiums for the policy if the person is infected. Insurance companies can also require an HIV test before issuing a policy. A person with HIV can be determined to have a *pre-existing condition* and may have to go through a waiting period before their coverage begins. After the waiting period (usually 12 months), all HIV-related expenses should be covered. For more information, call the New York State Insurance Department at 1-800-342-3736.

100. Do confidential HIV test results have to be included in a person's individual medical record?

Yes. New York State Code, Rules and Regulations, Title X, Part 63 requires that confidential HIV-related information be recorded in the medical record and be easily accessible to provide proper care and treatment.